

# United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/539,639	06/16/2005	Nicolas Roques	RN02174 8632	
7	590 11/30/2006		EXAMINER	
Jean-Louis Seugnet			KOSACK, JOSEPH R	
Rhodia Inc Intellectuual Property Dept 259 Prospect Plains Road CN-7500			ART UNIT	PAPER NUMBER
			1626	
Cranbury, NJ	08512		DATE MAILED: 11/30/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.



# UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

APPLICATION NO. /CONTROL NO. 10/539,639	FILING DATE 06/16/2006	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION Nicolas Roques	ATTORNEY DOCKET NO. RN02174

**EXAMINER** 

KOSACK, JOSEPH R

ART UNIT PAPER

1626

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents** 

Notice of Non-Responsive Reply--Failure to elect a single disclosed compound.

Art Unit: 1626

### **DETAILED ACTION**

Claims 25-48 are pending in the instant application.

### Election/Restrictions

Applicant's election with traverse of claims 25-35 where  $R_f$  is a radical carrying a perfluoromethylene group, which provides the link to the remainder of the molecule,  $R_1$  and  $R_3$  are hydrogen, and  $\psi$  is an electron-withdrawing group such that  $\psi$ -OH is an acid with a pKa in water of at most 8 in the reply filed on September 1, 2006 is acknowledged. Applicant's subsequent election defining  $R_f$  as a perfluoroalkyl of formula  $C_rF_{2+1}$  where r is 1 to 10 and  $\psi$ -OH is an alkanoic acid having from 1 to 8 carbon atoms having a pKa of at least equal to approximately 2 on November 17, 2006 is also acknowledged. The traversal is on the ground(s) that the compounds of Formula I are novel and unobvious. This is not found persuasive because the test for unity of invention is to have a common core structure that has a contribution over the prior art. The core structure was shown in the previous action and a reference that taught that core structure was provided. Applicant has not rebutted the Examiner's determination of the core structure.

The requirement is still deemed proper and is therefore made FINAL.

The replies filed on September 1, 2006 and November 17, 2006 are not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant has not provided an election that defines exactly the  $R_f$  and  $\psi$  groups so that a search may be performed. Applicant may, as stated in the previous action, elect a single compound and the Examiner will attempt to group said compound such that the

Application/Control Number: 10/539,639 Page 3

Art Unit: 1626

group as a whole has unity of invention. In the alternative, Applicant may elect one of the exemplary groups set out in the previous action. See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

## Telephone Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Kosack whose telephone number is (571)-272-5575. The examiner can normally be reached on M-F 5:30 A.M. until 2:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph M<sup>c</sup>Kane can be reached on (571)-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 10/539,639

<sup>•</sup> Art Unit: 1626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph Kosack Patent Examiner Art Unit 1626

Supervisory Patent Examiner

Page 4

Art Unit 1626